

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1188**

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**Introduced by Committee on Elections and Constitutional  
Amendments (Senators Correa (Chair), De León, Gaines,  
La Malfa, and Lieu)**

February 22, 2012

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*An act to amend Sections 104 and 9022 of the Elections Code, and to amend Sections 50707 and 55310.2 of the Water Code, relating to ~~water district election procedures~~ elections.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1188, as amended, Committee on Elections and Constitutional Amendments. ~~Reclamation districts and county waterworks districts: election procedures.~~ *Elections.*

*Existing law requires that each section of any petition or paper signed by voters, including initiative, referendum, recall, and nominating petitions, have attached to it a specified declaration or affidavit signed by the circulator of the petition or paper, including a certification to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of this state, with the signature of his or her name at length, including given name, middle name or initial, or initial and middle name.*

*This bill would delete the requirement that the circulator's signature on this certification to the content of the declaration be made at length.*

Existing law authorizes the formation of reclamation districts to reclaim land that is subject to overflow or incursions from the tide or inland waters. Existing law also authorizes the formation of county waterworks districts to supply water to the inhabitants of those districts for irrigation, domestic, industrial, or fire protection purposes. Under

existing law, those reclamation districts and county waterworks districts are authorized to conduct elections by all-mailed ballots, as specified. Existing law establishes mailed ballot election dates.

This bill would correct erroneous cross references within those provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 104 of the Elections Code is amended to*  
2     *read:*

3     104. (a) Wherever any petition or paper is submitted to the  
4     elections official, each section of the petition or paper shall have  
5     attached to it a declaration signed by the circulator of the petition  
6     or paper, setting forth, in the circulator's own hand, the following:

7         (1) The printed name of the circulator.

8         (2) The residence address of the circulator, giving street and  
9     number, or if no street or number exists, adequate designation of  
10    residence so that the location may be readily ascertained.

11        (3) The dates between which all the signatures to the petition  
12    or paper were obtained.

13    (b) Each declaration submitted pursuant to this section shall  
14    also set forth the following:

15        (1) That the circulator circulated that section and witnessed the  
16    appended signatures being written.

17        (2) That according to the best information and belief of the  
18    circulator, each signature is the genuine signature of the person  
19    whose name it purports to be.

20    (c) The circulator shall certify to the content of the declaration  
21    as to its truth and correctness, under penalty of perjury under the  
22    laws of the State of California, with the signature of his or her  
23    name at length, including given name, middle name or initial, or  
24    initial and middle name. The circulator shall state the date and the  
25    place of execution on the declaration immediately preceding his  
26    or her signature.

27    *SEC. 2. Section 9022 of the Elections Code is amended to read:*

28    9022. (a) Each section shall have attached thereto the  
29    declaration of the person soliciting the signatures setting forth the

1 information required by Section 104 and stating that the circulator  
2 is a voter or is qualified to register to vote in the state.

3 (b) The circulator shall certify to the content of the declaration  
4 as to its truth and correctness, under penalty of perjury under the  
5 laws of the State of California, with the signature of his or her  
6 name at length, including given name and middle name or initial.

7 The circulator shall state the date and the place of execution on  
8 the declaration immediately preceding his or her signature.

9 Another declaration thereto may not be required.

10 Petitions so verified shall be prima facie evidence that the  
11 signatures thereon are genuine and that the persons signing are  
12 qualified voters. Unless and until otherwise proven upon official  
13 investigation, it shall be presumed that the petition presented  
14 contains the signatures of the requisite number of qualified voters.

15 ~~SECTION 1.~~

16 *SEC. 3.* Section 50707 of the Water Code is amended to read:

17 50707. (a) Notwithstanding any other provision of law and  
18 regardless of the number of eligible voters within its boundaries,  
19 a district may, by resolution of its governing board, conduct any  
20 election by all-mailed ballots pursuant to Division 4 (commencing  
21 with Section 4000) of the Elections Code.

22 (b) An election conducted pursuant to this section shall be held  
23 on a date prescribed in Section 1500 of the Elections Code or on  
24 any other date other than an established election date.

25 ~~SEC. 2.~~

26 *SEC. 4.* Section 55310.2 of the Water Code is amended to read:

27 55310.2. (a) Notwithstanding Section 55301, the Board of  
28 Directors of the Mendocino County Waterworks District #2 shall  
29 be elected. The elected board of directors shall act as the governing  
30 board of the district.

31 (b) There shall be five members of the board who shall be  
32 elected at large throughout the district. The directors shall be  
33 residents of the district at the time of election and shall remain  
34 residents throughout their term. Failure to maintain residency shall  
35 cause the director to vacate the office. The directors shall serve  
36 four-year terms. The election of directors shall be held by the  
37 all-mailed ballot procedure pursuant to Division 4 (commencing  
38 with Section 4000) of the Elections Code on the date described in  
39 Section 1500 of the Elections Code.

1 (c) Elections for the directors shall be conducted by the county  
2 clerk or by another election officer designated by the Mendocino  
3 Board of Supervisors. The district shall be responsible for the cost  
4 of the district elections.

5 (d) Unless otherwise provided or required by this section, Part  
6 4 (commencing with Section 10500) of Division 10 of the Elections  
7 Code shall apply to the conduct of the district election.

8 (e) Any vacancy on the board, other than upon the expiration  
9 of a term, shall be filled by a majority vote of the directors.  
10 However, no vacancy shall be filled by less than three members'  
11 affirmative votes. If the board fails to fill a vacancy within 60 days  
12 of the vacancy or if the membership of the board is less than four,  
13 the Mendocino County Board of Supervisors may appoint members  
14 to fill the vacancies. Appointed members shall serve until the next  
15 district election at which time the remainder of the unexpired term  
16 shall be filled at that election in the manner provided in this section.

17 (f) Directors shall be elected without reference to districts and,  
18 except for the filling of unexpired terms, without reference to a  
19 specific directorship. All candidates for open seats, except for the  
20 filling of unexpired terms, shall appear on the same ballot. Voters  
21 shall be allowed to vote for the number of candidates equal to the  
22 open seats; that number of candidates equal to the number of open  
23 seats that receive a plurality shall be elected. Write-in votes shall  
24 be counted, provided that the write-in candidate shall have  
25 complied with the requirements of subdivision (d) pertaining to  
26 the filing of a nomination form and signatures with the county  
27 clerk no less than 14 days prior to the election.

28 (g) Directors duly elected and certified at the first election shall  
29 assume office on July 1, 1996. The two-year terms shall expire on  
30 June 30, 1998. The first four-year terms shall expire on June 30,  
31 2000. All subsequent terms shall expire on the last day of June in  
32 even-numbered years.

33 (h) Directors shall receive no compensation for service, except  
34 as permitted under Section 55305, but may be reimbursed only for  
35 necessary and actual expenses. Regulations governing  
36 reimbursement may be adopted by the board.

37 (i) Effective July 1, 1996, the elected Mendocino County  
38 Waterworks District #2 Board of Directors shall succeed to and  
39 have all the powers previously conferred upon the board of

- 1 supervisors and the appointed board of directors in reference to
- 2 this district.

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